

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SAMANTHA PETTINGILL, JULIE
PETTINGILL, GENE PETTINGILL, JULIE
PETTINGILL, as guardian *ad litem* for C. P.
and T. P., minors, and SOCIETY FOR PET
ADOPTION, RESCUE, AND EDUCATION,
INC., a Delaware nonprofit corporation,

Plaintiffs,

v.

JOHN CALDWELL, in his official and
individual capacities, JOHN SAVILLE, in his
official and individual capacities,
DELAWARE SOCIETY FOR THE
PREVENTION OF CRUELTY TO
ANIMALS, a Delaware corporation

Defendants.

C.A. No. 05-224 JJF

JURY TRIAL DEMANDED

STIPULATION STAYING PROCEEDINGS

WHEREAS, by Order dated October 11, 2006, upon request of the parties, the Court extended the discovery deadline until December 20, 2006 and the dispositive motion deadline until January 26, 2006 to allow the parties an opportunity to continue settlement negotiations;

WHEREAS, since that time the parties continued settlement negotiations in good faith with the assistance of the Honorable Vincent A. Bifferato, Sr.;

WHEREAS, although the parties came very close to settlement, it appears that a settlement will not be possible;

WHEREAS, concurrently with the filing of this stipulation, counsel for the Plaintiffs will be filing a motion to withdraw as counsel, which motion is not opposed by Defendants;

WHEREAS, the parties have agreed to stay the proceedings until such time as the Court decides the motion to withdraw and, if granted, for 60 days thereafter to allow the Plaintiffs an opportunity to retain new counsel or determine to proceed *pro se*;

WHEREAS, the parties respectfully suggest that upon the conclusion of the stay, the Court hold a status conference to set a scheduling order;

IT IS HEREBY STIPULATED by and between the undersigned counsel, subject to approval of the Court, that the matter is stayed until such time as the Court decides the motion to withdraw and, if granted, for 60 days thereafter.

OBERLY, JENNINGS & RHODUNDA, P.A.	HECKLER & FRABIZZIO, P.A.
/s/ Charles M. Oberly, III	/s/ Daniel P. Bennett
Charles M. Oberly, III (No.743) Karen V. Sullivan (No. 3872) 800 Delaware Avenue, Suite 901 P.O. Box 2054 Wilmington, DE 19899 (302) 576-2000 – Telephone (302) 576-2004 – Facsimile Attorneys for Plaintiffs	Daniel P. Bennett (No. 2842) 800 Delaware Avenue, Suite 200 Wilmington, DE 19801 (302) 573-4800 – Telephone (302) 573-4806 – Facsimile Attorneys for Defendants

It is **SO ORDERED** this ____ day of December, 2006.

United States District Judge